

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 1 - 7 and 9 - 24 are pending in the application. Claims 1 - 6 and 15 - 22 stand withdrawn from consideration. Claims 7, 9 - 14, 23, and 24 stand allowed.

By the present amendment, claims 1 - 6 and 15 - 22 have been cancelled; and claims 7, 9, 10, 13, 14, and 24 have been amended.

In the office action mailed November 29, 2004, claims 7 - 12 and 23 were rejected under 35 U.S.C. 102(b) as being anticipated by GB 2,304,158 to Hoffelner; and claims 13, 14, and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffelner.

The foregoing rejections are traversed by the instant response.

The present invention broadly relates to a brush seal segment which comprises a bristle arrangement having a retention section, a pair of plates flanking the bristle arrangement and having a channel to frictionally engage the retention section, which channel extends to an end of at least one of the plates, and wherein the channel allows movement of the retention section before the plates are secured together and prevents movement of the retention section after the plates are secured together.

By the present amendment, independent claim 7 has been amended to include the following limitation:

"each of said plates having a surface which abuts and contacts said bristle arrangement and at least one of said surfaces forming a portion of said channel."

In applying the Hoffelner reference, the Examiner deems elements 4 and 5 to the plates. A review of the Hoffelner reference shows that plate 4 has a surface which abuts and contacts the bristle arrangement, but that plate 5 does not have such a surface. In Hoffelner, there is a covering ring 6 which is positioned intermediate the plate 5 and the bristle arrangement. Consequently, amended claim 7 is allowable over Hoffelner.

With respect to claims 9 - 12 and 23, these claims are allowable for the same reasons as claim 7 as well as on their own accord.

By the present amendment, claim 13 has been placed into independent form. The obviousness rejection of this claim fails because the Examiner has not made out a *prima facie* case of obviousness. If one follows the teachings of Hoffelner to obtain optimum sealing, there is no need for the brush seal segment to be part of a packing ring. It is submitted that the Examiner has failed to set forth any reasoning which would lead one of ordinary skill in the art to be motivated to modify the Hoffelner sealing arrangement. All the Examiner has noted is that packing rings are old in the art (even though the Examiner has not located a reference which teaches this). Something being old in the art is an insufficient basis to conclude that claimed subject matter is obvious. The Examiner is respectfully requested to withdraw this rejection.

Claim 14 has been amended to depend from claim 13 to provide antecedent basis for the phrase "said packing ring". This claim is allowable for the same reasons as claim 13 as well as on their own accord. Here again, the Examiner has merely determined that labyrinth seals are known in the art. The Examiner has not explained why one of ordinary skill in the art would be motivated to modify the Hoffelner seal to include a labyrinth seal. Clearly, it is not needed for Hoffelner's

application. As noted above, something being old in the art is insufficient basis to conclude that claimed subject matter is obvious.

Claim 24 has also been placed into independent form by the present amendment. It is submitted that the obviousness rejection of this claim is without merit. Welding may be a very well known means of connecting; however, this is an insufficient basis to conclude that the claimed subject matter is obvious. As for a weld joint making Hoffelner a stronger structure, this contention is without merit. A review of Hoffelner shows that it says that:

"[o]n a section which is bent essentially in a U-shape around a core ring 7, the bristle bundle B is clamped by a clamping tube 8. The latter has a circumferential slot for the bristle bundle B. Radially in the interior, the clamping tube 8 is fixedly disposed in an annulus 9 which is open on one side and which is formed by two casing parts which contain the circumferential webs 4,5."

Given this construction, one is not motivated to use a weld joint as a retention section. Such a joint would make it extremely difficult, if not impossible, to use the core ring and clamping tube arrangement set forth in Hoffelner. Further, if one tried to replace the core ring and the clamping tube, one could not obtain the engagement between the clamping tube and the walls of the annulus unless one used an extraordinarily large weld joint. In this regard, the weld joint would have to have a width which is far greater than the width of the bristles in order to allow use of the cover ring 6. It is submitted that given the foregoing difficulties, one of ordinary skill in the art would not be motivated to use a weld joint. The Examiner is hereby requested to withdraw this rejection.

Withdrawn claims 1 - 6 and 15 - 22 have been cancelled, leaving only allowable claims in the case. Applicant hereby respectfully solicits such an allowance.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, he is hereby invited to contact Applicant's attorney at the telephone number listed below.

Should the Examiner maintain the rejections of record, he is hereby requested to enter the instant amendment since the amendment raises no new matter, and no issues which require further consideration and/or search. A notice of appeal is appended hereto in the event that the Examiner maintains the rejections of record and it is necessary to take this case to appeal.

The Director is hereby authorized to charge the Notice of Appeal fee of \$500.00 to Deposit Account No. 21-0279. Should the Director determine that an additional fee is due, he is hereby authorized to charge said fee to said Deposit Account.

Respectfully submitted,

Mark E. Addis

By 

Barry L. Kelmachter
BACHMAN & LaPOINTE, P.C.
Reg. No. 29,999
Attorney for Applicant

Telephone: (203) 777-6628 ext. 112

Telefax: (203) 865-0297

Email: docket@bachlap.com

Date: February 15, 2005

I, Nicole Motzer, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on February 15, 2005.

